Table of Contents

		<u>Page</u>
(104 CMR 1.00 T	THROUGH 24.00: RESERVED)	9
104 CMR 25.00:	AUTHORITY, MISSION, AND DEFINITIONS	323
Section 25.01:	Regulatory Authority	323
Section 25.02:	Authority and Mission	323
Section 25.03:	Definitions	324
Section 25.04:	Emancipated and Mature Minors	324
104 CMR 26.00:	ORGANIZATIONAL STRUCTURE AND CITIZEN PARTICIPATION	325
Section 26.01:	Legal Authority to Issue	325
Section 26.02:	Organization of the Department	325
Section 26.03:	Designation of Departmental Facilities	325
Section 26.04:	Citizen Advisory Boards	325
104 CMR 27.00:	LICENSING AND OPERATIONAL STANDARDS FOR MENTAL HEALTH FACILITIES	331
Section 27.01:	Legal Authority to Issue	331
Section 27.02:	Scope	331
SUBPART A: LIC	CENSING	
Section 27.03: L	icensing; Generally	331
Section 27.04: L	icensing; Intensive Residential Treatment Programs (IRTP)	335
	ERATIONAL STANDARDS FOR MENTAL HEALTH FACILITIES	
Section 27.05:	General Admission Procedures	337
Section 27.06:	Voluntary and Conditional Voluntary Admission	338
Section 27.07:	Three Day Involuntary Commitment	339
Section 27.08:	Transfer of Patients	340
Section 27.09:	Discharge	341
Section 27.10:	Treatment	342
Section 27.11:	Periodic Review	344
Section 27.12:	Prevention of Restraint and Seclusion and Requirements When Used	345
Section 27.13:	Human Rights	352.1
Section 27.14:	Human Rights Officer; Human Rights Committee	353
Section 27.15:	Visit	354
Section 27.16:	Absence Without Authorization	355
Section 27.17:	Records	355
Section 27.18:	Interpreter Services	358
104 CMR 28.00:	LICENSING AND OPERATIONAL STANDARDS FOR COMMUNITY PROGRAMS	359
	COMMONT LIKOGRAMS	339
Section 28.01:	Legal Authority to Issue and Scope	359
SUBPART A: OF	PERATIONAL STANDARDS FOR COMMUNITY PROGRAMS	
Section 28.02:	Standards to Promote Client Dignity	359
Section 28.03:	Legal and Human Rights of Clients	360
Section 28.04:	Protection from Mistreatment	361
Section 28.05:	Physical Restraint	361
Section 28.06:	Medication	362
Section 28.07:	Labor	367
Section 28.08:	Possessions	367
Section 28.09:	Access to Records and Record Privacy	367
Section 28.10:	Legal Competency, Guardianship and Conservatorship	369
Section 28.11:	Human Rights Committee; Human Rights Officer	370
Section 28.12:	Termination from Program	371

Table of Contents

		<u>Page</u>
SUBPART B: LI	CENSING AND PROGRAM STANDARDS (continued)	
Section 28.13:	Licensing: General Provisions	371
Section 28.14:	Program Standards: Provisions Applicable to All Programs	376
Section 28.15:	Residential Programs	377
Section 28.16:	Alternative Community Mental Health Programs	381
104 CMR 29.00:	SERVICE PLANNING	383
Section 29.01:	Legal Authority, Scope and Purpose	383
Section 29.02:	Definitions	383
Section 29.03:	General Provisions	383
Section 29.04:	Eligibility for DMH Continuing Care Services	384
Section 29.05:	Case Management Services	387
Section 29.06:	Service Planning	388
Section 29.07:	Development of the Program Specific Treatment Plan	390
Section 29.08:	Integration of the Individual Service Plan With Program Specific	
	Treatment Plans	390
Section 29.09:	Acceptance or Rejection of the Individual Service Plan	390
Section 29.10:	Annual Review of the Individual Service Plan	391
Section 29.11:	Modification of the Individual Service Plan or Program Specific	
	Treatment Plan	392
Section 29.12:	Changes in Status to Lower Priority	392
Section 29.13:	Termination of Eligibility for DMH Continuing Care Services	393
Section 29.14:	Requests for Termination of Services; Disengagement from Services	393
Section 29.15:	Appeals of Eligibility and Service Planning	394
104 CMR 30.00:	FISCAL ADMINISTRATION	425
Section 30.01:	Evaluations of the Ability of Patients in Facilities to Manage Funds	425
Section 30.02:	Funds Belonging to Patients in Facilities	426
Section 30.03:	Client Funds in Community Programs	428
Section 30.04:	Charges for Care	429
Section 30.05:	Canteen Operations	432.1
104 CMR 31.00:	RESEARCH AUTHORIZATION AND MONITORING	433
Section 31.01:	Authority and Scope	433
Section 31.02:	Definitions	433
Section 31.03:	Department Research Review Committees	434
Section 31.04:	Review Process and Proposal Requirements	437
Section 31.05:	Review Standards	438
Section 31.06:	Complaints, Sanctions and CORRC Review	441
104 CMR 32.00:	INVESTIGATION AND REPORTING RESPONSIBILITIES	443
Section 32.01:	Scope, Authority and Purpose	443
Section 32.02:	Definitions	443
Section 32.03:	Complaint and Appeal Process	444
Section 32.04:	Requirements for All Fact-Finding Activities	445
Section 32.05:	Responsibilities of Individuals in the Investigation and	
	Reporting Process	446
Section 32.06:	Additional Reporting Requirements	448
Section 32.07:	Monitoring Responsibilities	449
Section 32.08:	Department Case File and Public Log	449
Section 32.09:	Transitional Provision	450

Table of Contents

		Page
104 CMR 33.00:	DESIGNATION AND APPOINTMENT OF QUALIFIED MENTAL	
	HEALTH PROFESSIONALS	451
Section 33.01:	Legal Authority to Issue	451
Section 33.02:	Authorization to Apply for Hospitalization Pursuant to	
	M.G.L. c. 123, § 12(a)	451
Section 33.03:	Designation of Physicians Pursuant to M.G.L. c. 123, § 12(b)	451
Section 33.04:	Designation of Forensic Psychiatrists and Psychologists	452
Section 33.05:	Denial or Revocation of a Designation or Appointment	454
104 CMR 34.00:	CRIMINAL OFFENDER RECORD CHECKS	457
Section 34.01:	Purpose	457
Section 34.02:	Policy	457
Section 34.03:	Scope	457
Section 34.04:	Authority	457
Section 34.05:	Definitions	458
Section 34.06:	Applicant Disclosure of Criminal Record Information	460
Section 34.07:	Community Service and Work Release Workers	460
Section 34.08:	Hiring Authority Responsibilities	460
Section 34.09:	CORI Investigations	460
Section 34.10:	Findings from CORI Investigations	461
Section 34.11:	Disqualifications	461
Section 34.12:	Provisions for Review of a Candidate in any Discretionary	
	Disqualification Category	462
Section 34.13:	Exemption from Certain Requirements	463
Section 34.14:	Dissemination	463
Section 34.15:	Incidents	463
Section 34.16:	Severability	463
Section 34.17:	Tables of Offenses	463

(PAGES 5 THROUGH 8 ARE <u>RESERVED</u> FOR FUTURE USE.)